

Compendium of State HIV Testing Laws

Quick Reference Guide for Clinicians

September 19, 2011

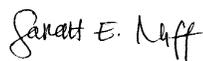
To the Reader:

The *Compendium of State HIV Testing Laws* describes key state HIV testing laws and policies. Each state's HIV testing laws are unique and many have undergone revision or supplementation since the release of the [CDC's 2006 HIV testing recommendations](#). The *Compendium* is designed to help clinicians understand HIV testing laws and to implement sound HIV testing policies. It should not, however, be used as an official legal document.

The NCCC provides clinical consultation for healthcare providers as part of the HRSA [AIDS Education and Training Centers](#) program. Clinicians with questions about HIV testing are encouraged to call the *National HIV Telephone Consultation Service (Warmline)* at (800) 933-3413. The Warmline also provides advice on HIV management, including antiretroviral treatment. Other NCCC consultation services include: the National Clinicians' Post-Exposure Prophylaxis Hotline ([PEPLine](#)) at (888) 448-4911 for advice on managing occupational exposures to HIV and hepatitis; and the National Perinatal Consultation and Referral Service ([Perinatal HIV Hotline](#)) at (888) 448-8765 for consultation on preventing mother-to-child transmission of HIV.

We update the Compendium periodically, but it is beyond the scope of the project to perform updates and verification concurrent with all changes. We encourage readers to send updates (with citations when possible) and comments to Sarah Neff at neffs@nccc.ucsf.edu.

Thank you,



Sarah E. Neff, MPH
Director of Research and Evaluation

&



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The Warmline, PEPLine, and Perinatal Hotline are part of the National HIV/AIDS Clinicians' Consultation Center (NCCC) based at San Francisco General Hospital/ UCSF. The NCCC is a component of the **AIDS Education and Training Centers (AETC) Program** funded by the Ryan White CARE Act of the **Health Resources and Services Administration (HRSA)** HIV/AIDS Bureau in partnership with the **Centers for Disease Control and Prevention (CDC)**.

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Alabama

A Quick Reference Guide for Clinicians to Alabama HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Alabama state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Alabama HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Informed consent required; general consent may be used (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile). Compatible with CDC Recommendations and Guidelines.

Counseling

- Post-test counseling is required with HIV positive test results.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - Rapid testing may be used on pregnant women presenting to labor and delivery.
 - A confirmatory test is required before notifying the patient of HIV test results.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual partners of a possible exposure to HIV is required.

Minor/Adolescent Testing

- Persons 12 years of age or older may consent to STD testing, HIV not explicitly included.

Alaska

A Quick Reference Guide for Clinicians to Alaska HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Alaska state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Alaska HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- No specific provisions regarding informed consent were found.

Counseling

- Post-test counseling (regarding measures for preventing transmission and the need for treatment) is required for individuals who have been or may have been exposed.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to medical services, HIV not explicitly included.

Arizona

A Quick Reference Guide for Clinicians to Arizona HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Arizona state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Arizona HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Oral or written informed consent is required; opt-out process is implied; compatible with CDC Recommendations and Guidelines.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - Consent form must inform patient of availability of anonymous testing.
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is required.

Minor/Adolescent Testing

- Minors may consent to STD testing, HIV not explicitly included.

Arkansas

A Quick Reference Guide for Clinicians to Arkansas HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Arkansas state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Informed consent is not required for diagnosis (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile). Informed consent is not specified for screening. Compatible with CDC Recommendations and Guidelines.

Counseling

- Counseling must be offered in cases of health care worker exposure.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual partners of possible exposure to HIV is required.

Minor/Adolescent Testing

- Minors may consent to STD testing, HIV not explicitly included.

California

A Quick Reference Guide for Clinicians to California HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant California state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of California HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Specific simple consent through the opt-out process required (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions); written not required. Consistent with CDC Recommendations and Guidelines

Counseling

- Counseling must be offered to a patient with a confirmed HIV positive test.
- Counseling must be offered to notified partners and contacts.

Provisos of Testing

- **Anonymous**
 - Testing must be made available anonymously.
 - Free anonymous testing is available at designated anonymous testing sites.
 - Individuals testing at an ATS must be informed about the validity and accuracy of the HIV antibody test before it is performed and given their results in person.
- **Rapid**
 - HIV counselors may perform an HIV test if authorized under a physician/surgeon, trained, and meet other requirements (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile).
 - Patients must be informed that the preliminary result of the test is indicative of the likelihood of HIV infection and that the result must be confirmed by an additional more specific test, or, if approved by the CDC, a second different rapid HIV test
- **Routine**
 - As part of consent, a medical provider must inform the patient that in cases of negative results, routine testing is advised.

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is required.

Minor/Adolescent Testing

- Persons 12 years of age or older may consent to HIV testing and treatment.

Colorado

A Quick Reference Guide for Clinicians to Colorado HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Colorado state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Colorado HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Informed consent is required (see *State Policies Relating to HIV Testing, 2011*, below, for exceptions); oral or written not specified. Opt-in or opt-out process not specified. Compatible with CDC Recommendations and Guidelines

Counseling

- Post-test counseling is required with HIV positive test results.
- Counseling and testing sites must provide pre- and post-test prevention and risk-reduction counseling.
- Counseling must be offered in cases of health care worker exposure.

Provisos of Testing

- **Anonymous**
 - Testing must be made available anonymously.
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to HIV testing and treatment.
- Physicians may, but are not required to, notify the parents of the HIV test result.

Connecticut

A Quick Reference Guide for Clinicians to Connecticut HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Connecticut state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- General consent for medical care is sufficient; declination must be documented in the medical record (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions).

Counseling

- Post-test counseling or referral for counseling as needed.

Provisos of Testing

- **Anonymous**
 - Consent form must inform patient of the availability of anonymous testing.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual partners is not required.

Minor/Adolescent Testing

- Minors may consent to HIV testing.

Delaware

A Quick Reference Guide for Clinicians to Delaware HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Delaware state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Delaware HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Specific informed consent required; may be oral or in writing.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is required.

Minor/Adolescent Testing

- Persons 12 years of age or older may consent to HIV testing and treatment.

District of Columbia

A Quick Reference Guide for Clinicians to District of Columbia HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant District of Columbia HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- No specific provisions regarding informed consent were found.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - Testing must be made available anonymously.
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding disclosure were found.

Minor/Adolescent Testing

- No specific provisions regarding minor or adolescent testing were found.

Florida

A Quick Reference Guide for Clinicians to Florida HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Florida state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Informed consent required; may be oral or in writing.

Counseling

- Counseling must be offered.

Provisos of Testing

- **Anonymous**
 - Testing must be made available anonymously.
 - Physicians must inform patients of availability of anonymous testing.
- **Rapid**
 - A confirmatory test is required before notifying the patient of HIV test result.
- **Routine**
 - Protocols must be made available by the Department to health care providers for offering HIV testing, on a voluntary basis, as a routine part of primary health care or admission to a health care facility.

Disclosure

- No specific provisions regarding disclosure were found.

Minor/Adolescent Testing

- Minors may consent to STD testing; HIV is explicitly included.

Georgia

A Quick Reference Guide for Clinicians to Georgia HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Georgia state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Consent is required; oral or written not specified.

Counseling

- Pre-test counseling and post-test medically appropriate counseling with confirmed HIV positive test result are required.
- Counseling of the spouse of HIV positive patient is required.

Provisos of Testing

- **Anonymous**
 - Testing must be made available anonymously.
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Physician may notify spouse, sexual partner or any child of the patient, spouse, or sexual partner of possible exposure to HIV.

Minor/Adolescent Testing

- Minors may consent to STD testing, HIV not explicitly included.
- Physicians may, but are not required to, notify the parents of the HIV test result.

Hawaii

A Quick Reference Guide for Clinicians to Hawaii HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Hawaii state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Health care provider must afford the patient the opportunity to decline testing, but specific written consent is not required – opt-out process. (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions).
- Verbal consent is acceptable at anonymous testing sites.

Counseling

- Pre-test counseling is not required for tests ordered by a health care provider. Post-test counseling must be offered in cases of reactive, indeterminate, or confirmed positive results

Provisos of Testing

- **Anonymous**
 - Testing must be available anonymously.
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding disclosure were found.

Minor/Adolescent Testing

- Minors may consent to STD testing and treatment, HIV not explicitly included.

Idaho

A Quick Reference Guide for Clinicians to Idaho HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Idaho state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- No specific provisions regarding informed consent were found.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - Availability of anonymous testing is not required.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding disclosure were found.

Minor/Adolescent Testing

- Persons 14 years of age or older may consent to testing for communicable diseases, HIV explicitly included.

Illinois

A Quick Reference Guide for Clinicians to Illinois HIV Testing Laws

September 19, 2011

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Informed Consent

- Informed consent may be through the opt-out process; included in general consent; and obtained verbally or in writing, as long as it is documented. This policy effective June 1, 2008.

Counseling

- Pre-test information must be offered; may be provided verbally, in writing, electronically, by video, or through other means, as long as patients are permitted to ask questions.

Provisos of Testing

- **Anonymous**
 - Physicians must inform patients of the availability of anonymous testing.
 - Patients may request anonymous testing.
 - All testing must be available anonymously.
- **Rapid**
 - A confirmatory test is required before notifying the patient of positive HIV test results.
- **Routine**
 - HIV testing should be made a routine part of general medical care, as recommended by the United States Centers for Disease Control and Prevention.

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is not required.

Minor/Adolescent Testing

- Persons 12 years of age or older may consent to HIV testing.
- Physicians may, but are not required to, notify the parents of HIV test results.

Indiana

A Quick Reference Guide for Clinicians to Indiana HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Indiana state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Indiana HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Specific informed consent required; may be oral or in writing.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - Testing must be available anonymously.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Persons 14 years of age or older may consent to STD testing and treatment, HIV not explicitly included.

Iowa

A Quick Reference Guide for Clinicians to Iowa HIV Testing Laws

September 19, 2011

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Informed Consent

- HIV testing is implicitly included in a general consent for medical tests or procedures.
- If general medical consent is not used or is no longer in effect, specific informed consent may be oral or in writing.

Counseling

- Post-test counseling is required with HIV positive test results.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is not available.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual partners of possible exposure to HIV is required.

Minor/Adolescent Testing

- Minors may consent to HIV testing.
- Specific written informed consent is required.
- Health care provider or health facility is required to inform the legal guardian of an HIV positive result.
- Health facility must notify patient that legal guardian will be notified of an HIV positive result.

Kansas

A Quick Reference Guide for Clinicians to Kansas HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Kansas state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Kansas HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- No specific provisions regarding informed consent were found.

Counseling

- Counseling must be offered.

Provisos of Testing

- **Anonymous**
 - Testing must be available anonymously.
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to STD testing and treatment, HIV not explicitly included.
- Physicians may, but are not required to, notify the parents of the HIV test result.

Kentucky

A Quick Reference Guide for Clinicians to Kentucky HIV Testing Laws

September 19, 2011

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Informed Consent

- HIV testing is included in general medical consent (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions).

Counseling

- Post-test counseling is required with HIV positive test results.

Provisos of Testing

- **Anonymous**
 - Testing must be available anonymously.
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - A confirmatory test is required before notifying the patient of HIV test results.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to STD testing and treatment, HIV not explicitly included.

Louisiana

A Quick Reference Guide for Clinicians to Louisiana HIV Testing Laws

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Informed Consent

- Informed consent is required and through the opt-out process. HIV testing is included in general medical consent.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - Testing must be available anonymously.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - Diagnostic HIV testing may be offered to a person as part of a routine medical screening in health care settings, substance abuse treatment facilities, mental health treatment facilities, and correctional settings.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to venereal disease testing and treatment, HIV not explicitly included.

Maine

A Quick Reference Guide for Clinicians to Maine HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Maine state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Maine HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Informed consent is required and through the opt-out process; may be oral or in writing.

Counseling

- Post-test counseling is required with HIV positive test results.
- Post-test counseling is required in cases of health care worker exposure.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to venereal disease testing and treatment, HIV not explicitly included.
- Physicians may, but are not required to, inform the parents of the HIV test result.

Maryland

A Quick Reference Guide for Clinicians to Maryland HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Maryland state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Informed consent required in a health care facility. Specific written informed consent required in a location other than a health care facility. (See *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions.)

Counseling

- Pre-test counseling may be written, oral, or by video
- Post-test counseling is required for HIV positive results.
- Post-test counseling is required for HIV positive test results in cases of health care worker exposure.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - A confirmatory test must be offered.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is not required.

Minor/Adolescent Testing

- Minors may consent to venereal disease testing and treatment, HIV not explicitly included.

Massachusetts

A Quick Reference Guide for Clinicians to Massachusetts HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Massachusetts state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Specific informed consent required; must be in writing (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions).

Counseling

- Counseling of all HIV/AIDS patients to modify high-risk behavior is required.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to venereal disease testing and treatment, HIV not explicitly included.
- Physicians may, but are not required to, notify the parents of the HIV test result.

Michigan

A Quick Reference Guide for Clinicians to Michigan HIV Testing Laws

September 19, 2011

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Informed Consent

- Informed consent must be documented in the patient medical records; may be written or verbal and through the opt-out process.
- Informed consent may be incorporated into consent for general medical care, tests, and procedures.

Counseling

- Pre- and post-test information is required.

Provisos of Testing

- **Anonymous**
 - Testing must be available anonymously.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual partners of possible exposure to HIV is required.

Minor/Adolescent Testing

- Minors may consent to HIV testing and treatment.
- Physicians may, but are not required to, notify the parents of the HIV test results.

Minnesota

A Quick Reference Guide for Clinicians to Minnesota HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Minnesota state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- No specific provisions regarding consent were found.

Counseling

- No specific provisions regarding consent were found.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - Routine testing is through the opt-out process.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to venereal disease testing and treatment, HIV not explicitly included.

Mississippi

A Quick Reference Guide for Clinicians to Mississippi HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Mississippi state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Mississippi HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Specific consent not required by hospitals, their staff, or physicians for the purposes of diagnosis, treatment, or protection of health and safety.

Counseling

- Post-test counseling is required with HIV positive test results.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is not available.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to venereal disease testing and treatment, HIV explicitly included.
- Physicians may, but are not required to, notify the parents of the HIV test result.

Missouri

A Quick Reference Guide for Clinicians to Missouri HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Missouri state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Informed consent is required; oral or written not specified.

Counseling

- Pre- and post-test counseling is required by health professionals other than physicians.
- The scope of pre- and post-test counseling shall be governed by the physician’s judgment and shall be as comprehensive as consultation provided for other diagnostic tests.

Provisos of Testing

- **Anonymous**
 - Testing must be made available anonymously.
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to STD testing and treatment, HIV not explicitly included.
- Physicians may, but are not required to, notify the parents of the HIV test result.

Montana

A Quick Reference Guide for Clinicians to Montana HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Montana state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Consent must be incorporated into the patient’s general informed consent for medical care; may be oral or in writing with documentation of declination in the medical record.

Counseling

- Pre-test information to ensure the patient’s knowledge and understanding that HIV diagnostic testing is planned and that testing is voluntary

Provisos of Testing

- **Anonymous**
 - No provisions were regarding anonymous testing were found
- **Rapid**
 - Rapid testing shall be offered to women in labor if their status is unknown/undocumented
- **Routine**
 - HIV screening is routine.

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is encouraged but not required.

Minor/Adolescent Testing

- Emancipated minors may consent to STD testing and treatment, HIV explicitly included.

Nebraska

A Quick Reference Guide for Clinicians to Nebraska HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Nebraska state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Written informed consent required; shall provide an explanation of HIV infection and the meaning of both positive and negative test results.
- Signing of a separate consent for HIV testing is not required during the time the general consent form for the performance of medical tests or procedures, which informs the person that a test for the presence of HIV infection may be performed and that the person may refuse to have such test performed, is in effect.

Counseling

- Post-test counseling is required with HIV positive test results in cases of occupational exposure.

Provisos of Testing

- **Anonymous**
 - Testing must be made available anonymously.
 - Physicians must inform patients of availability of anonymous testing.
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual partners of possible exposure to HIV is required.

Minor/Adolescent Testing

- Minors may consent to STD testing and treatment, HIV not explicitly included.

Nevada

A Quick Reference Guide for Clinicians to Nevada HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Nevada state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- No specific provisions regarding informed consent were found.

Counseling

- Post-testing counseling is required with HIV positive test results.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - Rapid testing may be used on pregnant women.
 - Rapid testing may be used on newborns.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to STD testing and treatment, HIV not explicitly included.

New Hampshire

A Quick Reference Guide for Clinicians to New Hampshire HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant New Hampshire state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of New Hampshire HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Informed consent is required in accordance with CDC HIV testing consent recommendations (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions).

Counseling

- Post-test counseling as appropriate.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - A confirmatory test is required before notifying the patient of HIV test results.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners and contacts were found.

Minor/Adolescent Testing

- Persons 14 years of age or older may consent to STD testing, HIV not explicitly included.

New Jersey

A Quick Reference Guide for Clinicians to New Jersey HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant New Jersey state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- No specific provisions regarding consent were found.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners and contacts were found.

Minor/Adolescent Testing

- Minors 13 years or older may consent to HIV testing.

New Mexico

A Quick Reference Guide for Clinicians to New Mexico HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant New Mexico state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of New Mexico HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Informed consent required; may be oral or in writing (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions); may be included in routine medical care.

Counseling

- Post-test counseling is required with HIV positive test results.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - HIV testing may be included as part of routine panel of tests for pregnant women.

Disclosure

- No specific provisions regarding the notification of partners and contacts were found.

Minor/Adolescent Testing

- Minors may consent to HIV testing.

New York

A Quick Reference Guide for Clinicians to New York HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant New York state HIV testing laws. Note that if a section in this Quick Reference Guide reads "no specific provisions were found," provisions actually might exist for this topic within the state's statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Informed consent required; must be in writing, except in cases of rapid testing.
- Written informed consent may be incorporated into the general medical consent.
 - The general consent form shall have a clearly marked place adjacent to the signature where the subject shall be given an opportunity to specifically decline HIV testing in writing.

Counseling

- Pre- and (with negative results) post-test information is required; however, requirement may be fulfilled through written materials and an opportunity to ask questions. Compatible with CDC recommendations.
- In cases of HIV positive results, provider must give post-test counseling or a referral for counseling.

Provisos of Testing

- **Anonymous**
 - Physicians must inform patients of availability of anonymous testing.
 - All testing must be available anonymously.
- **Rapid**
 - Informed consent for a rapid test may be obtained orally and must be documented in the medical record.
 - A confirmatory test is required before notifying the patient of HIV test results, except in perinatal testing.
- **Routine**
 - Practitioners are required to offer HIV testing to every individual ages 13-64 receiving health services

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is required.

Minor/Adolescent Testing

- Minors may consent to HIV testing.
- Physicians may, but are not required to, notify the parents of the HIV test result.

North Carolina

A Quick Reference Guide for Clinicians to North Carolina HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant North Carolina state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- May use general informed consent; oral or written not specified (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions).

Counseling

- Post-test counseling with referrals for medical and psychosocial services for persons infected with HIV required; local health departments must offer free counseling.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - See “Prenatal and Neonatal Testing” in the individual state profile.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to partners of a possible exposure to HIV is required.

Minor/Adolescent Testing

- Minors may consent to STD testing and treatment, HIV explicitly included.

North Dakota

A Quick Reference Guide for Clinicians to North Dakota HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant North Dakota state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Informed consent is required; oral or written not specified (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions).

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners and contacts were found.

Minor/Adolescent Testing

- Minors may consent to HIV testing

Ohio

A Quick Reference Guide for Clinicians to Ohio HIV Testing Laws

September 19, 2011

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Informed Consent

- HIV test may be given by or on the order of a health care provider who, in the exercise of the provider’s professional judgment, determines the test to be necessary for providing diagnosis and treatment to the individual to be tested, .

Counseling

- Post-test counseling in cases of HIV-positive results is required.

Provisos of Testing

- **Anonymous**
 - Patients may request anonymous testing.
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - A policy to offer routine and voluntary testing may be adopted by a facility or physician.

Disclosure

- Notification to sexual partners of possible exposure to HIV is required.

Minor/Adolescent Testing

- Minors may consent to STD testing, HIV explicitly included.

Oklahoma

A Quick Reference Guide for Clinicians to Oklahoma HIV Testing Laws

September 19, 2011

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Informed Consent

- If the testing person, employer, or facility is presented with a written statement of consent by the person being tested, no civil or criminal liability shall be incurred.

Counseling

- Physician must instruct in measures of preventing the spread of disease and of the necessity for treatment with HIV positive test results.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - Rapid testing may be used on source patient in cases of occupational exposure of health care workers.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to STD testing, HIV explicitly included.
- Physicians may, but are not required to, notify the parents of the HIV test result.

Oregon

A Quick Reference Guide for Clinicians to Oregon HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Oregon state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Informed consent required; oral or written not specified (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions).

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - HIV test is included as part of routine panel of tests for pregnant women.

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is not required.

Minor/Adolescent Testing

- Persons 15 years or younger may consent to HIV testing.

Pennsylvania

A Quick Reference Guide for Clinicians to Pennsylvania HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Pennsylvania state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Informed consent required; must document provision of informed consent, including pre-test information, and whether test was declined.
- Healthcare provider may offer opt-out testing.
- Pre-test information consists of an explanation of the test, including its purpose, potential uses, limitations and the meaning of its results.

Counseling

- Counseling is not required.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - A confirmatory test is required before notifying the patient of HIV test results.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is not required.

Minor/Adolescent Testing

- Minors may consent to services for reportable diseases, HIV explicitly included.

Puerto Rico

A Quick Reference Guide for Clinicians to Puerto Rico HIV Testing Laws

September 19, 2011

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Informed Consent

- No specific provisions regarding consent were found.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding anonymous testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- No specific provisions regarding minor or adolescent testing were found.

Rhode Island

A Quick Reference Guide for Clinicians to Rhode Island HIV Testing Laws

September 19, 2011

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Informed Consent

- Informed consent may be through the opt-out process and obtained verbally or in writing (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions); anonymous testing must be verbal.

Counseling

- Pre-test information and opportunity for client-specific counseling tailored to the patient (to allow greater flexibility) must be offered with HIV testing and informed consent; information may be oral or written.
- HIV counseling means an interactive process of communication between a person and a health care provider or qualified professional HIV test counselor with an assessment of risk and the provision of counseling to assist the person with behavior changes to reduce risks
- For positive results, post-test counseling must be given in person.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing (CTRS) sites.
- **Rapid**
 - Rapid testing sites must seek a waiver from the department to provide confirmatory HIV testing from a lab other than the state lab, and shall forward all positive and negative confirmatory HIV test results to the department.
- **Routine**
 - A physician or health care provider attending to any person who may be at risk for HIV infection shall routinely offer the HIV test to those patients.
 - HIV test may be included as part of routine panel of tests for pregnant women.

Disclosure

- Positive results must be given in person
- Notification to partners of a possible exposure to HIV is not required.

Minor/Adolescent Testing

- Minors may consent to testing and services HIV..

South Carolina

A Quick Reference Guide for Clinicians to South Carolina HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant South Carolina state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- No specific provisions regarding consent were found.

Counseling

- No specific provisions regarding counseling were found (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions).

Provisos of Testing

- **Anonymous**
 - Anonymous testing is not available.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is required.

Minor/Adolescent Testing

- Persons 16 years or older may consent to HIV testing.

South Dakota

A Quick Reference Guide for Clinicians to South Dakota HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant South Dakota state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- No specific provisions regarding consent were found.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is not required.

Minor/Adolescent Testing

- Minors may consent to STD testing, HIV not explicitly included.

Tennessee

A Quick Reference Guide for Clinicians to Tennessee HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Tennessee state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- No specific provisions regarding consent were found.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - Name-based reporting precludes anonymous testing.
- **Rapid**
 - Rapid testing may be used on pregnant women presenting to labor or delivery with undocumented HIV status.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to STD testing, HIV explicitly included.

Texas

A Quick Reference Guide for Clinicians to Texas HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Texas state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- Informed consent required; may be oral or in writing.
- HIV testing may be included in general medical consent.

Counseling

- Post-test counseling is required with HIV positive test results.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to partners of a possible exposure to HIV is required.

Minor/Adolescent Testing

- Minors may consent to services for communicable diseases, HIV explicitly included.

Utah

A Quick Reference Guide for Clinicians to Utah HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Utah state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

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Informed Consent

- No specific provisions regarding consent were found.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV by health departments is required.

Minor/Adolescent Testing

- Minors may consent to STD, including HIV, testing.

Vermont

A Quick Reference Guide for Clinicians to Vermont HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Vermont state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Vermont HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- No specific provisions regarding consent were found.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Persons 12 years of age or older may consent to STD testing, HIV not explicitly included.

Virginia

A Quick Reference Guide for Clinicians to Virginia HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Virginia state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Virginia HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Prior to an HIV test, a medical care provider shall inform the patient that the test is planned, provide information about the test, and advise the patient that he has the right to decline the test. If a patient declines the test, the medical care provider shall note that fact in the patient’s medical file. Opt-out process implied. Compatible with CDC Recommendations.

Counseling

- Persons who test positive shall be afforded individual face-to-face disclosure and the opportunity for post-test counseling.
- Appropriate counseling shall include, but not be limited to, the meaning of the test results, the need for additional testing, the etiology, prevention and effects of acquired immunodeficiency syndrome, the availability of appropriate health care, mental health care and social services, the need to notify any person who may have been exposed to the virus and the availability of assistance through the Department of Health in notifying such individuals.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing

- Minors may consent to HIV testing.
- Physicians may, but are not required to, notify the parents of the HIV test result.

Washington

A Quick Reference Guide for Clinicians to Washington HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Washington state HIV testing laws. Note that if a section in this Quick Reference Guide reads "no specific provisions were found," provisions actually might exist for this topic within the state's statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Washington HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Informed consent required and may be verbal or written; may be obtained separately or as part of the consent for a battery of other routine tests; is through the opt-out process, an opportunity for questions and to decline testing must be offered.

Counseling

- Post-test counseling is required with HIV positive test results - Name and locating information of those testing HIV positive must be provided to the local health officer for follow-up post-test counseling.

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
 - Any person authorized to order or prescribe an HIV test may offer anonymous testing without restriction.
- **Rapid**
 - Rapid testing may be used on pregnant women presenting to labor or delivery (at a birth center).
 - Persons may inform a tested individual of the unconfirmed results of a rapid HIV test provided the test result is interpreted as preliminarily positive, and the tested individual is informed that: (a) Further testing is necessary to confirm the reactive screening test result; (b) The meaning of reactive screening test result is explained in simple terms, avoiding technical jargon; (c) The importance of confirmatory testing is emphasized and a return visit for confirmatory test results is scheduled; and (d) The importance of taking precautions to prevent transmitting infection to others while awaiting results of confirmatory testing is stressed..
- **Routine**
 - HIV testing may be included as part of a battery of other routine tests.
 - HIV testing may be included as part of routine panel of tests for pregnant women.

Disclosure

- Assistance with partner notification (by local health officer) must be offered.

Minor/Adolescent Testing

- Persons 14 years of age or older may consent to STD testing, HIV explicitly included.

West Virginia

A Quick Reference Guide for Clinicians to West Virginia HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant West Virginia state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of West Virginia HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Voluntary informed consent process: The patient is informed either orally or in writing that HIV-related testing will be performed as part of their routine care, that HIV-related testing is voluntary and that the patient may decline HIV-related testing (opt-out); that the patient’s general consent for medical care includes consent for HIV-related testing.
- See *State Policies Relating to HIV Testing, 2011*, below, for exceptions to consent.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - All testing must be available anonymously.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - HIV-related testing on a voluntary basis should be recommended by healthcare providers in a health facility as part of a routine screening for treatable conditions and as part of routine prenatal and perinatal care.

Disclosure

- Notification to sexual partners of a possible exposure to HIV is not required.

Minor/Adolescent Testing

- Minors may consent to STD testing, HIV not explicitly included.

Wisconsin

A Quick Reference Guide for Clinicians to Wisconsin HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Wisconsin state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Wisconsin HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- Consent may be through the opt-out process, must be documented, and must meet the following conditions (see *State Policies Relating to HIV Testing, 2011*, in the individual state profile, for exceptions):
 - Must notify the person or the person’s authorized representative that he or she may decline the HIV test and that the person will be subjected to an HIV test unless the test is declined.
 - Must offer a brief oral or written explanation/description of HIV infection, HIV test results, requirements for reporting results, treatment options for a positive HIV test result, and AIDS service organizations and the services they provide to persons who have a positive HIV test result.
 - Must notify that if the person or the person’s authorized representative declines to have an HIV test performed, the health care provider may not use the fact that the person declined an HIV test as a basis for denying services or treatment, other than an HIV test, to the person.
 - Must provide an opportunity to ask questions and to decline the HIV test.
 - Must verify understanding that an HIV test will be performed on the person and that the decision regarding whether to have an HIV test performed is not coerced or involuntary.

Counseling

- No specific provisions regarding counseling were found (counseling policies repealed April, 2010).

Provisos of Testing

- **Anonymous**
 - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification of sexual partners of a possible exposure to HIV is encouraged but not required.

Minor/Adolescent Testing

- Persons 14 years or older or their authorized representatives may consent to HIV testing and treatment.

Wyoming

A Quick Reference Guide for Clinicians to Wyoming HIV Testing Laws

September 19, 2011

This Quick Reference Guide for clinicians is a summary of relevant Wyoming state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Wyoming HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

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Informed Consent

- No specific provisions regarding consent were found.

Counseling

- Counseling may be offered with HIV positive test results.

Provisos of Testing

- **Anonymous**
 - No specific provisions regarding anonymous testing were found.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- Notification to sexual partners of a possible exposure to HIV is required.

Minor/Adolescent Testing

- Persons 18 years or younger may consent to HIV testing.